

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1548

Introduced by Assembly Member Mullin
(Coauthor: Assembly Member Ting)
(Coauthor: Senator Hill)

January 27, 2014

An act to *amend Sections 99152 and 99153 of, and to add and repeal Section 99160.7 of of, the Education Code, relating to standardized tests.*

LEGISLATIVE COUNSEL’S DIGEST

AB 1548, as amended, Mullin. Standardized tests: ~~canceled or invalidated test scores: report.~~ *reports.*

Existing law imposes various requirements on a test agency, as defined, with respect to the administration of standardized tests for purposes of postsecondary ~~education.~~ *education, and requires a test sponsor to submit certain information and data to the California Postsecondary Education Commission.* A test agency that intentionally violates any of those provisions is subject to a civil penalty not to exceed \$750 for each violation. Existing law authorizes a test agency to cancel or invalidate a test score where substantial evidence exists to support cancellation or invalidation of the test score.

This bill would *require a test sponsor to also submit specified information that is required to be submitted to the California Postsecondary Education Commission to the Superintendent of Public Instruction and the Legislature, and would authorize the submission of*

that information in digital format. The bill would, until January 1, 2017, require a test agency, on or before March 1 of each year, agency to submit a report report, on or before March 1 of each year, to the Superintendent of Public Instruction and to the Legislature that contains specified information on test scores that were canceled or invalidated in the prior year. The bill would repeal those provisions on January 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 99152 of the Education Code is amended*
2 *to read:*
3 99152. Each test sponsor shall report the closing date of its
4 testing year to the ~~commission~~ *commission, the Superintendent of*
5 *Public Instruction, and the Legislature*, by February 1, 1985, or
6 within 90 days after it first becomes a test sponsor, whichever is
7 later. Each test sponsor shall report any change in the closing date
8 of its testing year within 90 days after the change. *The report may*
9 *be submitted in a digital format.*
10 *SEC. 2. Section 99153 of the Education Code is amended to*
11 *read:*
12 99153. On or before November 15 of each year, the test sponsor
13 shall submit to the ~~commission~~ *commission, the Superintendent*
14 *of Public Instruction, and the Legislature* all of the following data
15 and information:
16 (a) Three copies of each version of the test ~~which~~ *that* was
17 disclosed in the prior testing year, along with the corresponding
18 acceptable answers, and the methods used to convert raw scores
19 into the test scores reported to test subjects and test score recipients,
20 together with an explanation of that method.
21 (b) The dates of major or national administration of each test
22 administered by the test agency during the testing year.
23 (c) The total number of test subjects who have taken the test
24 once, who have taken it twice, and who have taken it more than
25 twice during the testing year.
26 (d) The total number of test subjects who registered for, but did
27 not take, the test.

1 (e) The total amount of fees received from test subjects by the
2 test agency for the test for that testing year.

3 (f) The expenses to the test sponsor of the test, as follows:

4 (1) Those expenses ~~which~~ *that* are directly attributable to the
5 test.

6 (2) Those expenses ~~which~~ *that* are indirectly attributable to the
7 test. However, if the test sponsor also sponsors another test or
8 related activities, it shall be sufficient for compliance with this
9 section for the test sponsor to list indirectly attributable expenses,
10 to the extent that they are identifiable, as they are proportionately
11 related to the test. The test sponsor shall also list expenses
12 indirectly attributable to all activities of the test's sponsor,
13 including expenses not identifiable as attributable to a test.

14 The financial disclosure required by this section shall be
15 submitted within 135 days after the close of the testing year and
16 in sufficient detail to indicate the major categories of revenues and
17 expenses associated with the test. Except as provided in this
18 section, the information for different tests administered by the
19 same test sponsor shall be reported separately and by individual
20 test.

21 (g) A copy of all documents, pamphlets, and literature provided
22 to the test subject and the test score recipient.

23 (h) Where applicable, the national average test scores, state
24 average test scores, the standard error of measurement, and any
25 other existing information relevant to a comparison of the test
26 scores of the state's test subjects with test scores of previous test
27 subjects of the past five years.

28 (i) For those tests used to predict academic performance, the
29 most recent national or regional aggregation of data concerning
30 the predictive validity of all of the following:

31 (1) Academic record or grades alone.

32 (2) Standardized test score alone.

33 (3) Academic record and test score combined.

34 (4) Standardized test scores over and above the predictive
35 validity of academic record alone.

36 (j) Using available data, the racial, ethnic, and sex breakdown
37 of all test subjects taking each test during the testing year.

38 (k) If a separate fee is charged test subjects for admissions data
39 assembly service, the test sponsor shall report information

1 concerning the data assembly service in substantially the same
2 form as would be required for a test under this section.

3 (l) The test sponsor shall also supply to the commission any
4 other information mutually identified by the commission and the
5 test sponsor that will be reasonably available and helpful in either
6 (1) assessing the state's progress in increasing the number of
7 Hispanic, Black, or American Indian students who graduate from
8 high school eligible to enroll in either the University of California
9 or the California State University or (2) developing strategies to
10 involve the testing companies in cooperative actions with schools,
11 colleges, and universities to expand access to college for Hispanic,
12 Black, and American Indian students.

13 (m) This section shall not be construed to require any test agency
14 to submit to the commission any reports or documents containing
15 information relating to any individual test subject. Any information
16 relating to any individual test subject shall be deleted or obliterated
17 from any reports or documents filed with the commission pursuant
18 to this section.

19 (n) This section shall not apply to any standardized test ~~which~~
20 *that* is administered to fewer than 3,000 test subjects in California
21 during a testing year.

22 (o) *The information required to be submitted pursuant to this*
23 *section may be submitted in a digital format.*

24 **SECTION 1.**

25 **SEC. 3.** Section 99160.7 is added to the Education Code, to
26 read:

27 99160.7. (a) On or before March 1 of each year, a test agency
28 shall submit a report to the Superintendent of Public Instruction
29 and to the Legislature that contains all of the following information
30 for the prior year:

31 (1) The number of test scores for each type of standardized test
32 that were canceled or invalidated.

33 (2) The reasons the test scores were canceled or invalidated,
34 including, but not limited to, irregular test administration, irregular
35 statistical data, or cheating.

36 (b) A report submitted pursuant to this section shall not include
37 specific or identifiable information on the test subjects.

1 (c) This section shall remain in effect only until January 1, 2017,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2017, deletes or extends that date.

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